

PHILLIP A. TALBERT
United States Attorney
DAVID W. SPENCER
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JIMMY PEREZ AYON,

Defendant.

CASE NO. 2:22-CR-00176-TLN

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: September 12, 2024
TIME: 9:30 a.m.
COURT: Hon. Troy L. Nunley

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on September 12, 2024.
2. By this stipulation, defendant now moves to continue the status conference until December 12, 2024, at 9:30 a.m., and to exclude time between September 12, 2024, and December 12, 2024, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes approximately 3,380 pages of documents, including investigative reports, text messages, transcripts of recorded communications, and other materials, as well as multiple undercover

1 video and audio recordings. All of this discovery has been either produced directly to counsel
2 and/or made available for inspection and copying.

3 b) Counsel for defendant was newly appointed on August 8, 2024, replacing prior
4 counsel of record. *See* ECF 48 (minutes).

5 c) Counsel for defendant desires additional time to review this discovery, to conduct
6 factual investigation, to evaluate potential responses to the charges, to confer with his client, and
7 to otherwise prepare for trial.

8 d) Counsel for defendant believes that failure to grant the above-requested
9 continuance would deny him the reasonable time necessary for effective preparation, taking into
10 account the exercise of due diligence.

11 e) The government does not object to the continuance.

12 f) Based on the above-stated findings, the ends of justice served by continuing the
13 case as requested outweigh the interest of the public and the defendant in a trial within the
14 original date prescribed by the Speedy Trial Act.

15 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
16 et seq., within which trial must commence, the time period of September 12, 2024 to December
17 12, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local
18 Code T4] because it results from a continuance granted by the Court at defendant's request on
19 the basis of the Court's finding that the ends of justice served by taking such action outweigh the
20 best interest of the public and the defendant in a speedy trial.

21 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
22 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
23 must commence.

24 IT IS SO STIPULATED.

1 Dated: September 4, 2024

PHILLIP A. TALBERT
United States Attorney

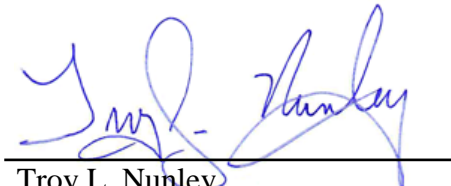
2
3 /s/ DAVID W. SPENCER
4 DAVID W. SPENCER
Assistant United States Attorney

5
6 Dated: September 4, 2024

/s/ OLAF HEDBERG
OLAF HEDBERG
Counsel for Defendant
JIMMY PEREZ AYON

7
8
9
10
11 **ORDER**

12 IT IS SO FOUND AND ORDERED this 4th day of September, 2024.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Troy L. Nunley
United States District Judge